



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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ATLANTA, GEORGIA 30303-8960

February 12, 2013

Margo Schulze-Haugen
National Marine Fisheries Service
Highly Migratory Species Management Division F/SF1
1315 East West Highway
Silver Springs, MD 20910

Subject: EPA NEPA Review Comments for DEIS "Amendment 5 to the Consolidated Atlantic Highly Migratory Species Fishery Management Plan"; CEQ #20120374

Dear Ms. Schulze-Haugen:

The U.S. Environmental Protection Agency (EPA) has reviewed the subject National Oceanic and Atmospheric Administration (NOAA) and National Marine Fisheries Service (NMFS) Draft Environmental Impact Statement (DEIS) in accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. EPA has responsibility to review and comment on major Federal actions significantly affecting the quality of the human environment, including Fishery Management Plans (FMPs) and FMP Amendments (Amendments) as developed, approved, and implemented under the MSA where those Plans and Amendments are subject to the EIS requirement of NEPA, but it should be clear that we defer to NOAA and the Councils as to the development of fishery statistics and the relative importance of the commercial and recreational fisheries for each species.

Background:

EPA understands that the purpose for the above referenced DEIS is to implement management measures consistent with recent stock assessments for sandbar, dusky, scalloped hammerhead, Gulf of Mexico blacktip, and Atlantic and Gulf of Mexico blacknose sharks; establish a rebuilding plan for Atlantic blacknose and scalloped hammerhead sharks; implement commercial quota limits consistent with stock assessment recommendations to prevent overfishing and rebuild overfished stocks; modify time/area closures and/or create bycatch caps to reduce fishing mortality of overfished/overfishing stocks; and, modify recreational measures or prohibit the retention of overfished stocks.¹

EPA also understands that the proposed amendment will revise management strategies proposed in the 2006 Consolidated Atlantic Highly Migratory Species Fishery

¹ p. i

Management Plan and is based on several shark stock assessments that were completed from 2009 to 2012. EPA reviewed and provided comments on the DEIS and FEIS for the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan.

Alternatives Evaluated:

NOAA states that “because many of the issues regarding total allowable catches, commercial quotas, and recreational measures are interrelated, we have developed 5 alternative suites for addressing these issues (Alternative Suites A1 through A5). Possible management measures to address fishing effort in the pelagic and bottom longline fisheries are described as stand-alone alternatives (Alternatives B1 through B7).”² The alternatives proposed 1) Set commercial quota’s for multiple shark species and provide for quota linkages for different shark complexes, 2) Implement recreation measures, and 3) Implement pelagic and bottom longline effort control measures.

EPA Comments:

EPA appreciates that several alternatives for proposed actions were presented and that preferred alternatives were selected in the DEIS. Based on our review, we offer the following comments for the proposed actions covered within the DEIS.

Public Input:

EPA notes that NOAA requested comments on potential future actions for this amendment and announced the schedule of six scoping meetings to provide opportunity for public comment. EPA reviewed the Predraft document which can be found at the following web address:

http://www.nmfs.noaa.gov/sfa/hms/FMP/am5_predraft/a5_predraft_final_031212_web.pdf

The summary of the public comments received on the proposed amendment can be found in section A.3 of the above referenced document. EPA found the summary of public comments in this section very clearly summarized by shark species and management measures. EPA found this section useful for gauging the public’s overall interest and concern of the proposed amendment. One recommendation for this section would be to provide the reader with a better understanding of when the agency received the same comment multiple times, which would help the reader better weigh the public interest in one issue or another.

Summary Table:

EPA appreciates NOAA’s efforts to identify the preferred alternatives in the DEIS. The Executive Summary provided a clear identifiable table that summarized the preferred alternatives for each shark species and recommended measures being proposed.

Environmental Justice:

EPA notes that NOAA provides a discussion of the proposed action’s impact on EJ fishing communities in Section 4.6 (p. 4-121) of the DEIS. While we appreciate the

² p. iii

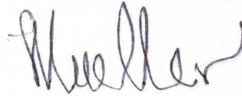
agencies' efforts to assess potential impacts to these communities, we continue to support additional efforts to identify the impact of these proposed actions on the fishermen (that will be impacted by the amendment) and if the proposed amendment will have a disproportionately high and adverse impact on minority and/or low-income populations (fishermen specifically). We are aware that this has been challenging for NOAA to quantify since demographic and income data for the fishing populations can be elusive.

EPA DEIS Rating:

Although some clarification comments are offered for this DEIS, EPA supports NOAA and NMFS on the above referenced DEIS and gives deference to their fishery expertise. EPA believes that the actions proposed under this amendment will have minimal impact on water quality, which is our primary mandate relevant to FMPs. Therefore, EPA rates this DEIS as "LO" (Lack of Objections). However, we request that NOAA and NMFS directly respond to our comments in the FEIS.

EPA appreciates the opportunity to review the DEIS. Should NOAA have questions regarding our comments on this DEIS, please feel free to contact Dan Holliman at 404/562-9531 or holliman.daniel@epa.gov of my staff.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mueller", with a stylized flourish at the end.

Heinz J. Mueller
Chief, NEPA Program Office